

Bear Wilner-Nugent, OSB #044549
Bear Wilner-Nugent, Counselor and Attorney at Law LLC
620 SW 5th Avenue, Suite 1008
Portland, Oregon 97204
(503) 351-2327
Fax (503) 914-6665
bwnlaw@gmail.com
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL G. SCHWERN,

Plaintiff,

v.

NÓIRÍN PLUNKETT,

Defendant.

Case No. 3:14-CV-00146-PK

**PLAINTIFF'S MOTION TO LIFT
STAY PENDING APPEAL FOR
A LIMITED PURPOSE**

Oral Argument Requested

Plaintiff Michael G. Schwern, through counsel, respectfully moves the Court for an order lifting the stay of this action entered on August 15, 2014, for the limited purpose of litigating plaintiff's simultaneously filed Rule 11 motion for sanctions against defendant. Defendant's filing of a false declaration under penalty of perjury, as described in plaintiff's memorandum of law in support of the Rule 11 motion, constitutes a serious affront to the integrity of these proceedings and the dignity of this Court that should be corrected without delay. Moreover, the correct resolution of the Rule 11 motion is logically independent of both the Ninth Circuit's

decision of the pending interlocutory appeal and the reasons underpinning the statutory basis for a stay furnished by Or. Rev. Stat. §31.152(2) and fully discussed in the parties' briefing of defendant's original motion for a stay. Therefore, the Court should determine that it is free to decide the Rule 11 motion without regard to the stay.

RESPECTFULLY SUBMITTED May 4, 2015.

/s/ Bear Wilner-Nugent
Bear Wilner-Nugent, OSB #044549
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing PLAINTIFF'S MOTION TO LIFT STAY PENDING APPEAL FOR A LIMITED PURPOSE on *pro se* defendant Nóirín Plunkett by mailing a true copy of it to her at 1107 Cambridge Street, Cambridge, Massachusetts 02139 on May 4, 2015.

I also served the motion on defendant's Massachusetts attorney Daniel Booth, Esq., by mailing a true copy of it to him at Booth Sweet LLP, 32R Essex Street, Cambridge, Massachusetts 02139 on May 4, 2015. Mr. Booth is not a member of the bar of this Court but has informed me that he has been engaged by defendant and intends to seek *pro hac vice* admission so that he may represent her before this Court.

/s/ Bear Wilner-Nugent
Bear Wilner-Nugent, OSB #044549
Attorney for Plaintiff

CERTIFICATE OF SERVICE